

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF NEBRASKA**

IN THE MATTER OF) Case No. BK 18-81127-TLS
)
EAT FIT GO HEALTHY FOODS, LLC et al.¹) Chapter 11
)
Debtors.)

**STIPULATION FOR PAYMENT OF MREM BOT PROPERTY, LLC
ADMINISTRATIVE EXPENSE CLAIM**

COMES NOW, Eat Fit Go Healthy Foods, LLC, et al., debtors and debtors-in-possession in the above captioned bankruptcy case ("Debtors"), and MREM BOT Property, LLC ("MREM"), by their counsel, pursuant to 11 U.S.C. §§ 105(a), 363(c)(1) and 503, and stipulate as follows:

1. On October 16, 2018, this Court entered an Order Granting Second Omnibus Motion to Reject Unexpired Leases (Doc No. 90) which allows MREM a certain administrative claim (the "MREM Administrative Claim"), as follows:

Pursuant to 11 U.S.C. § 365(d)(3), and without prejudice to its right and ability to file a proof of claim for any pre-petition and lease rejection unsecured claims, MREM BOT Property, LLC is entitled to and granted an allowed, administrative priority claim against Eat Fit Go Healthy Foods – Kansas City, LLC and Eat Fit Go Healthy Foods, LLC, for all post-petition, pre-rejection rent and additional rent which has accrued under the Farnam Lease, from the petition date, to and through the MREM Possession Reversion Date in the amount of \$8,794.80. Nothing in this Order shall require Debtors to pay this amount at this time.

2. On June 20, 2019, Debtors filed a certain Motion for an Order Approving Payment of Certain Administrative Expenses (Doc. No. 234) ("Administrative Expense Motion") which inadvertently omitted a reference to the MREM Administrative Claim.

¹ Debtors in these cases include: Eat Fit Go Omaha Kitchen, LLC, Eat Fit Go Kansas City Kitchen, LLC, Eat Fit Go Georgia Kitchen, LLC, Eat Fit Go Arizona Kitchen, LLC, Eat Fit Go Healthy Foods - Des Moines, LLC, Eat Fit Go Healthy Foods - Kansas City, LLC, EFG Shared Services, LLC (No Rev), Eat Fit Go Healthy Foods - Omaha, LLC, and Eat Fit Go Healthy Foods - Minnesota, LLC.

IN THE MATTER OF

Eat Fit Go Healthy Foods, LLC

Case No. BK 18-81127

Stipulation for Payment of MREM Bot Property, LLC Administrative Expense Claim

3. Rather than modify the relief requested in the Administrative Expense Motion, the parties hereby stipulate and agree that the MREM Administrative Claim will be paid in full first from the net proceeds of any avoidance actions under Chapter 5 of the Bankruptcy Code as discussed in the Administrative Expense Motion.

WHEREFORE, Debtors and MREM Bot Property, LLC respectfully request this Court enter an order: (1) granting the relief requested in this Stipulation; (2) overruling all objections to this Stipulation; and (3) granting any other relief at equity or law this Court deems necessary or appropriate.

**EAT FIT GOT HEALTHY FOODS, LLC,
Debtors**

By: /s/ Paul M. Hoffmann

Paul M. Hoffmann (MO # 31922)

Nicholas Zluticky (MO # 61203)

Stinson LLP

1201 Walnut Street Suite 2900

Kansas City, MO 64106

Phone: 816.842.8600

Fax: 816.691.3495

Email: paul.hoffmann@stinson.com

nicholas.zluticky@stinson.com

Counsel for Debtors

MREM BOT PROPERTY, LLC

By: /s/ Brendan L. McPherson

Brendan L. McPherson (MO #60428)

Polsinelli PC

900 W. 48th Place, Suite 900

Kansas City, MO 64112

Phone: (816) 753-1000

Fax: (816) 753-1536 Fax

Email: bmcpherson@polsinelli.com

IN THE MATTER OF

Eat Fit Go Healthy Foods, LLC

Case No. BK 18-81127

Stipulation for Payment of MREM Bot Property, LLC Administrative Expense Claim

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 3rd day of July, 2019, true and correct copies of the (1) *Stipulation for Payment of MREM Bot Property, LLC Administrative Expense Claim*; and (2) Notice of Objection / Resistance Deadline related thereto, were sent to those parties receiving electronic notice via the CM/ECF system, and by United States Postal Mail, postage prepaid, to those parties identified in CM/ECF as not receiving electronic notice.

/s Nicholas Zluticky
Nicholas Zluticky, MO # 61203